

ORDINANCE NO. O2016-006

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Title 18 of the Tumwater Municipal Code to add breweries, wineries, and distilleries to the list of permitted uses in the Capitol Boulevard Community, General Commercial, Town Center, Light Industrial, Historic Commercial, and Airport Related Industry zone districts as particularly described herein.

WHEREAS, Chapter 18.27 *Brewery District* of the Tumwater Municipal Code (TMC) was adopted in July of 2014; and

WHEREAS, Chapter 18.27 *Brewery District* of the Tumwater Municipal Code allows breweries, wineries, and distilleries as permitted uses; and

WHEREAS, breweries, wineries, and distilleries were previously allowed under the terms "*The wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating, or handling of products entirely within a building*"; and

WHEREAS, when Chapter 18.27 of Title 18 (zoning) of the Tumwater Municipal Code specifically listed "breweries, wineries, and distilleries" as permitted uses, they could no longer be allowed in other zone districts under the term "*The wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating, or handling of products entirely within a building*"; and

WHEREAS, retail is a permitted use in the Capitol Boulevard Community zone district, the General Commercial zone district, the Light Industrial zone district, the Historic Commercial zone district, and the Town Center zone district; and

WHEREAS, the amendments set forth herein modify Table 18.18, TMC 18.21.030, TMC 18.22.020, TMC 18.23.020, Table 18.24, TMC 18.24.020, TMC 18.26.020, and TMC 18.34.020 to provide flexibility for developing breweries, wineries, and distilleries in the Capitol Boulevard Community zone district, the General Commercial zone district, the Town Center zone district, the Light Industrial zone district, the Historic Commercial zone district, and the Airport Related Industry zone district; and

WHEREAS, restaurants are currently not permitted in the Light Industrial zone district, so the amendments to Table 18.24 and TMC 18.24.020 will read "*Breweries, wineries, distilleries, and associated restaurants*" to allow for added uses such as tasting rooms and/or brewpubs; and

WHEREAS, the amendment was reviewed in conformance with the City of Tumwater's Public Participation and Intergovernmental Coordination Procedures contained in its Comprehensive Plan, which meet the Growth Management Act requirements for the same; and

WHEREAS, the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (Dec. 2015) was reviewed and utilized by the City in objectively evaluating the amendments proposed by this ordinance; and

WHEREAS, the City of Tumwater forwarded the amendment to the Washington State Department of Commerce for review on January 13, 2016, as required by RCW 36.70A.106; and

WHEREAS, the Washington State Department of Commerce acknowledged receiving the amendment on January 28, 2016; and

WHEREAS, the City issued a Determination of Nonsignificance for the amendment on January 21, 2016, in accordance with the State Environmental Policy Act (SEPA), WAC 197-11, and Chapter 16.04 of the Tumwater Municipal Code; and

WHEREAS, the Tumwater Planning Commission held a public hearing on the amendment on May 24, 2016, and considered all testimony and evidence before making a recommendation to City Council; and

WHEREAS, the City Council, after considering all of the testimony and evidence, finds that the amendments support the health, safety and welfare, and are in the best interests of the residents of Tumwater.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Table 18.18 of the Tumwater Municipal Code is hereby amended to read as follows:

TABLE 18.18

COMMERCIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the town center (TC zone district); and Table 18.27.040 for commercial uses allowed in the BD zone district	NC	CS	MU	CBC	GC	BP	HC	TC ¹	Applicable Regulations
Adult family homes, residential care facilities	P	P	P	P	P		P	<u>P</u>	18.53; 18.56
Animal clinics	C		C	C	C				18.56
Animal kennels					C				18.56
Appliance equipment repair/sales					P				
Attached wireless communication facilities	P	P	P		P	P		<u>P</u>	11.20; Figure 11.20.030-1
Auto repair facility					C				18.56
Automobile service stations			C		P			<u>C</u>	18.56
<u>Breweries, wineries, distilleries</u>				<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
Buildings higher than 50 feet			C	P	C				18.56; 18.21
Campgrounds					P				
Cemeteries	C								18.56

Use	NC	CS	MU	CBC	GC	BP	HC	TC ¹	Applicable Regulations
Centers for senior citizens, youth, general community and similar groups			P	P					
Child day care center	P	P	P	P	P	P	P	<u>C</u>	18.52
Child mini-day care center	P	P	P	P	P	P	P	<u>C</u>	18.52
Churches		C	C	P				<u>C</u>	18.56
Civic center complex			P	P					
Community center		P						<u>P</u>	
Community gardens	P	P	P	P	P	P	P	<u>P</u>	
Convalescent center, rest home, nursing home	C		C	C	C				18.56
Crematories						P			
Dance clubs				P					18.21.030
Educational institutions/services (other than state education facilities)		P					P		
Electric vehicle infrastructure	P	P	P	P	P	P	P	<u>P</u>	
Emergency communication towers or antennas	C	C	C		C	C		<u>C</u>	18.56
Entertainment facility		P	P	P	P			<u>P</u>	
Equipment rental and sales facility					P				
Existing uses, legally established prior to adoption	P	P	P				P		
Family child care home	P	P	P	P	P		P	<u>P</u>	18.52
Farmers markets	P	P	P	P	P	P	P	<u>P</u>	

Use	NC	CS	MU	CBC	GC	BP	HC	TC ¹	Applicable Regulations
Fish hatcheries, associated appurtenances, and related interpretive centers							P		
Freestanding wireless communication facilities	C	C	C		C	C			11.20; Figure 11.20.030-1; 18.56
Gas station (4-hose in conjunction with retail sales of no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)	P								
Group foster homes	C	P	P	P	P			P	18.56
High-rise residential (five stories or more)				P	C				18.56; 18.21
Inpatient facilities	C		C	C	C				18.56
Library, museum, art gallery	P	P	P	P	P		P		
Manufacturing, assembly, processing and/or fabrication activities entirely within a building and ancillary to primary office use (less than 25 percent of building)						P			
Marijuana retailer				P	P				18.42.080
Medical clinics	P		P	P	P			P	
Mental health facilities	C		C	C	C				18.56

Use	NC	CS	MU	CBC	GC	BP	HC	TC ¹	Applicable Regulations
Mini-storage, wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating, or other handling of such products and equipment					C				18.56
Mixed use structures	P		P	P	P			<u>P</u>	
Motels, hotels			P	P	P		P	<u>P</u>	
Motor vehicle sales facilities					P				18.42.090
Motorsports sales facility					P				18.22.020
Movie theaters, playhouses and similar performance and assembly facilities				P					
Multifamily dwellings			P				P		
Nurseries			P	C	P				18.21.050
Off-premises signs	C		C	C	C				18.56
Offices	P	P	P	P	P	P	P		
Parcel delivery facility		P							
Park and ride lots	P	P	C	P	P				18.56;18.21.030(D)
Parking lots, parking structures		P	C	P & C	P			<u>P</u>	18.19.020(R);18.56;18.21.030;18.21.050
Parks and open space areas	P	P	P	P	P	P	P	<u>P</u>	
Personal and professional services		P	P	P	P		P	<u>P</u>	
Personal and professional services or sales (no more than 3,000 square feet)	P							<u>P</u>	
Planned unit developments	P	P	P	P	P	P		<u>P</u>	18.36

Use	NC	CS	MU	CBC	GC	BP	HC	TC ¹	Applicable Regulations
Post office	P	P	P	P	P		P	<u>P</u>	
Prisons, jails and other correctional facilities		C			C				18.56
Private clubs and lodges		C	P	P	P			<u>P & C</u>	18.56
Private educational facilities				P	C				
Public and/or private schools (other than state education facilities)	C	P	C	P	C				18.56
Recreation facilities	P	P	P	P	P	P	P	<u>P</u>	
Recreational vehicle park					P				
Residential uses			P	P	P		P	<u>P</u>	18.20.030
Restaurants		P	P	P	P	P	P	<u>P</u>	
Restaurants (without drive-in windows)	P							<u>P</u>	
Retail sales			P	P	P		P	<u>P</u>	
Retail sales (no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)	P							<u>P</u>	
Retail sales (no more than 3,000 square feet) (10:00 p.m. – 6:00 a.m.)	C							<u>P</u>	
Retail sales (no more than 15,000 square feet)		P						<u>P</u>	
Riding academies					P				
Senior housing facilities	C		P	P				<u>C</u>	18.56
Sewage treatment facilities						C			18.56

Use	NC	CS	MU	CBC	GC	BP	HC	TC ¹	Applicable Regulations
State education facilities		C	C	C	C			<u>P</u>	18.56
Support facilities	P	P	P	P	P	P	P	<u>P</u>	
Taverns, cocktail lounges		C	C	P	C		P	<u>C</u>	18.56
Transportation facilities, large-scale state or regional		C			C	C			18.56
Transportation terminals					C			<u>C</u>	18.56
Used motor oil recycling collection point	P		P		P				
Wholesale business establishments, including warehousing and storage located entirely within a building but not more than 50 percent of any one building						P			
Wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating, or other handling of products entirely within a building							P		

LEGEND

P = Permitted Use

C = Conditional Use

NC = Neighborhood Commercial

CS = Community Services

MU = Mixed Use

CBC = Capitol Boulevard Community
GC = General Commercial
BP = Business Park
HC = Historic Commercial
TC = Town Center

Table 18.18 Notes:

(1) See TMC 18.23.020 for more detail about uses for the Town Center subdistricts.

Note: Accessory uses are listed in each zone district chapter.

(Ord. O2014-012, Amended, 08/19/2014; Ord. O2014-007, Amended, 07/15/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2012-003, Amended, 07/17/2012; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O2003-001, Amended, 02/18/2003)

Section 2. Section 18.21.030 of the Tumwater Municipal Code is hereby amended to read as follows:

Uses permitted in the Capitol Boulevard Community zone district are as follows:

- A. Professional services;
- B. Retail sales;
- C. General offices;
- D. Support facilities;
- E. Parks/open space and recreation facilities;
- F. Restaurants, taverns, cocktail lounges, brew pubs and similar dining and drinking establishments;
- G. Post offices;
- H. Motels, hotels;
- I. Planned unit development (PUD)(see TMC Chapter 18.36);
- J. Medical clinics;
- K. Child day care center; child mini-day care center;
- L. Adult family homes, residential care facilities;
- M. Group foster homes;
- N. Private clubs and lodges;
- O. Family child care home;
- P. All residential uses, provided the minimum density standards in TMC 18.21.060 are met;
- Q. Personal services;
- R. Public and private schools and similar educational facilities;
- S. Churches, synagogues, mosques and similar places of worship;
- T. Library, museum, art gallery and similar institutions;
- U. All uses not permitted which were legally established prior to January 1, 2013, except where there is a cessation of the use for two or more years. A legal nonconforming use, established prior to January 1, 2013, that is required to relocate under threat of eminent domain shall be allowed as a permitted use consistent with this subsection;

- V. Civic center complex;
- W. Centers for senior citizens, youth, general community and similar groups;
- X. Entertainment facilities;
- Y. Senior housing facilities;
- Z. Electric vehicle infrastructure;
- AA. Community gardens;
- BB. Farmers markets;
- CC. Dance clubs, provided they are located north of Lee Street;
- DD. Detached parking structures;
- EE. Movie theaters, playhouses and similar performance and assembly facilities;
- FF. Marijuana retailers;
- GG. Breweries, wineries, distilleries.

(Ord. O2013-025, Added, 01/07/2014)

Section 3. Section 18.22.020 of the Tumwater Municipal Code is hereby amended to read as follows:

Uses permitted in the GC district are as follows:

- A. Professional services;
- B. General retail sales;
- C. General offices;
- D. Appliance equipment repair;
- E. Support facilities;
- F. Parks/open space;
- G. Recreational facilities;
- H. Restaurants;
- I. Automobile service stations including car washes;
- J. Post offices;
- K. Motels, hotels;
- L. Planned unit developments (PUD);
- M. Medical clinics;
- N. Child day care center, child mini-day care center;
- O. Adult family homes, residential care facilities;
- P. Group foster homes;
- Q. Private clubs and lodges;
- R. Family child care home;
- S. Mixed use structures;
- T. Multifamily residential structures consisting of a minimum of three and a maximum of four stories on sites within one-quarter mile of a degree-granting state education facility. A minimum density of fourteen dwelling units per acre shall be provided. Calculation of density is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs, open space; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be dedicated for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of open space/park areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.
 2. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment and infiltration facilities).
- U. Personal services;
 - V. Used motor oil recycling collection point;
 - W. Parking lots as separate, primary uses are permitted. The proposed parking lot shall exclusively serve specifically identified uses in or adjacent to the district to accommodate shared employee or customer parking or off-site employee parking. The uses served by the lot may change over time;
 - X. Parking structures;
 - Y. Park and ride lots;
 - Z. Museum, library, art gallery;
 - AA. Campgrounds, recreational vehicle parks;
 - BB. Riding academies;
 - CC. Entertainment facilities;
 - DD. Nurseries;
 - EE. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
 - FF. Equipment rental and sales facilities;
 - GG. Motorsports sales facility, provided outdoor displays or visible storage of vehicles does not cover an area larger than ten percent of the gross floor area of the facility;
 - HH. Electric vehicle infrastructure;
 - II. Community gardens;
 - JJ. Farmers markets;
 - KK. Marijuana retailer;
 - LL. Motor vehicle sales facilities located west of Interstate 5 and south of Bishop Road subject to the requirements set forth in TMC 18.42.090-;
 - MM. Breweries, wineries, distilleries.

*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval if they apply, and, furthermore, both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Communication Antennas and Towers.

(Ord. O2015-001, Amended, 10/20/2015; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2012-003, Amended, 07/17/2012; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2003-001, Amended, 02/18/2003; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 4. Section 18.23.020 of the Tumwater Municipal Code is hereby amended to read as follows:

Land uses allowed for each subdistrict are listed in Figure 18.23.020. Permitted uses are identified with a “P,” conditional uses with a “C,” and accessory uses with an “A.”

Figure 18.23.020

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Accessory wireless communication antennas	A ¹	A ¹	A ¹	A ¹
Adult family homes, residential care facilities	P		P	
Attached wireless communication facilities	P ¹	P ¹	P ¹	P ¹
Automobile service station legally established prior to June 9, 2002	C ²			
<u>Breweries, wineries, distilleries</u>	<u>P</u>			
Child day care center; child mini-day care center	P	P	P	P
Churches	C		C	
Cocktail lounges	A ³			
Community center	P	P		P
Community gardens	P	P	P	P
Distribution, fabrication, and assembly facilities occurring within buildings lawfully constructed on Port of Olympia property on or before January 1, 2000	C ⁴			
Drive-through uses	P ¹²			

LAND USES	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Electric vehicle infrastructure	P	P	P	P
Emergency communication antennas (essential public facility)	C ^{1, 5}	C ^{1, 5}	C ^{1, 5}	C ^{1, 5}
Entertainment facilities	P ⁶			
Family child care homes	P		P	
Farmers markets	P	P	P	P
General offices	P	P		P
Group foster homes	P	P	P	P
Home occupations	A		A	
Medical clinics	P	P		
Mixed use commercial/residential developments	P			
Motels, hotels	P			
Museum, library, art gallery	P			P
Noncommercial recreational structures including but not limited to swimming pools and recreational ball courts			A	
Parking lots	A ⁷	A	A	A
Parking structures	P ⁸	P	P	P
Parks and open spaces	P	P	P	P
Personal/professional services	P	P		P
Planned unit development (see TMC Chapter 18.36)	P	P	P	P
Post offices	P	P		P
Preschool childcare facilities	A	A	A	A

LAND USES	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Private clubs and lodges	P	P	C	
Recreation facilities	P	P	P	P
Residential uses approved after June 9, 2002, provided the minimum density standards in TMC 18.23.030(B)(2) are met			P	
Residential uses which were legally established prior to June 9, 2002			P	
Restaurants	P	A ⁹	A ¹⁰	
Retail sales	P	A	A ¹⁰	
Roominghouses	A			
Schools	P			
Senior housing facilities	P		P	
State education facilities (essential public facility)	C			
Storage sheds, tool sheds, greenhouses, carports			A	
Support facilities	P ¹¹	P ¹¹	P ¹¹	P ¹¹
Taverns	C			
Transportation terminals	C	C		

Figure 18.23.020 Notes:

- (1) Emergency communication antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Communication Antennas and Towers.
- (2) Any alteration to the site or building that requires a conditional use permit shall meet the minimum conditions provided in TMC Chapter 18.56. An application for a conditional use permit shall be processed pursuant to TMC Title 14, Development Code Administration, and TMC Chapter 2.58, Hearing Examiner.

- (3) Cocktail lounges are permitted as accessory uses within restaurants.
- (4) The cumulative amount of future expansions shall not exceed fifty percent of the covered floor space existing on January 1, 2000, for each site. See TMC Chapter 18.56.
- (5) Antennas must be affixed to or erected upon existing buildings, water tanks or other existing structures. Antennas shall not be affixed to a wireless communication support structure. Emergency communication towers are not permitted.
- (6) Motorized go-cart facilities are not permitted.
- (7) See TMC 18.23.040(F) for surface parking lot siting requirements on properties fronting main streets.
- (8) In the town center mixed use subdistrict, a parking structure may be located along a main street, provided the portion of the first floor fronting the main street is designed to accommodate a use allowed by this chapter other than parking.
- (9) Restaurants may be allowed as accessory uses within a general or professional office building in the town center professional office subdistrict.
- (10) Restaurants and retail sales are allowed as accessory uses in the town center residential subdistrict when located on the first floor of a multistory residential building, provided the gross floor area dedicated to restaurant and/or retail sales use shall not exceed one thousand five hundred square feet per building or twenty-five percent of the first floor of each building, whichever is greater, and provided the residential portion of the development meets the density standards described in TMC 18.23.030.
- (11) Electrical switching substations, electrical power transmission towers, natural gas pipelines, natural gas gate stations and regulating stations, and park and ride facilities are not permitted.
- (12) Drive-through uses for espresso stands less than five hundred square feet in floor area, pharmacies, and banks and credit unions are allowed in the areas specified on Figure 18.23.010. Drive-through uses shall not have more than two drive-through lanes and shall not have more than six queuing spaces in each lane. Drive-through uses shall only have a single lane for access to the queuing area, at which point the lane may branch to two lanes. The drive-through lanes shall narrow to one lane at the exit point. A business that operates a drive-through use must also provide walk-in sales and/or service to customers. Drive-through windows and vehicle drive-through lanes shall not be located between the building and the adjacent street(s). Properties with drive-through uses in the town center zone district shall not have direct vehicular access onto either Capitol Boulevard or Tumwater Boulevard. The director may allow temporary vehicular access to Capitol Boulevard in order to accommodate changes to the street grid. Drive-through uses shall also meet the drive-through design guidelines of TMC Chapter

18.43. Where conflicts occur between this chapter and TMC Chapter 18.43, the more restrictive requirement shall apply.

(Ord. O2013-025, Amended, 01/07/2014; Ord. O2011-006, Amended, 11/15/2011; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2006-034, Amended, 07/17/2007; Ord. O2001-020, Added, 05/07/2002)

Section 5. Table 18.24 of the Tumwater Municipal Code is hereby amended to read as follows:

TABLE 18.24

INDUSTRIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD zone district	LI	HI	ARI	Applicable Regulations
Adult family homes	P	C	P	18.53; 18.56;18.34.020(O)
Agriculture	P		P	
All industrial activities involving the manufacture, assembly, bulk storage, processing, repair, recycling or servicing of goods or products		P		
Animal clinics	C	C	C	18.56
Animal kennels	C		C	18.56
Attached wireless communication facilities	P	P	P	11.20; 18.24.020;18.25.020;18.34.020
Automobile repair facilities	P		P	
Automobile service stations	P	P	P	
Aviation, aviation related uses, aviation fueling facilities			P	18.34.020(A);18.34.020(F)
<u>Breweries, wineries, distilleries, and associated restaurants</u>	<u>P</u>		<u>P</u>	
Building heights over 50 feet	C	C		18.56
Cemeteries	C	C		18.56

Use	LI	HI	ARI	Applicable Regulations
Child day care center	P	C	P	18.52; 18.56
Child mini-day care center	P	C	P	18.52; 18.56
Community gardens	P	P	P	
Crematories	P	P	P	
Electric vehicle infrastructure	P	P	P	
Emergency communication towers or antennas	C	C	C	18.56
Equipment rental and sales	P		P	
Family child care home	P	C		18.52; 18.56
Farmers markets	P	P	P	
Freestanding wireless communication facilities	P	P	P	11.20; Figure 11.20.030-1; 18.24.020; 18.25.020; 18.34.020
Hotel/motel and conference facilities			P	
Marijuana retailer	P		P	18.42.080
Marijuana processor	P		P	18.42.080
Marijuana producer, within a fully enclosed secure indoor structure only	P		P	18.42.080
Mineral extraction		P		
Motor pool and equipment parking	P		P	
Motor vehicle sales facilities	P		P	18.42.090
Motorsports facility – Indoor	P		P	
Motorsports sales facility	P		P	
Nurseries or greenhouses	P		P	18.24.020(P)
Offices			P	
Off-premises signs	C	C		18.56
Off-site hazardous waste treatment and storage facilities	P	P	C	18.24.020(L); 18.56
Park and ride facilities	P	P	P	
Parks, open space and recreation facilities	P	P	P	

Use	LI	HI	ARI	Applicable Regulations
Personal and professional services	P		P	
Planned unit developments not including residential uses	P	P		18.36
Post offices, museum, library, art gallery	P		P	
Prisons, jails or other correctional facilities	C	C	C	18.56
Private education facilities			C	18.56
Public or private schools other than through the eighth grade	P			18.56
Public schools on parcels abutting residential zones and outside of air hazard areas			P	18.56
Radio frequency facilities			C	18.34.040(B)
Recycling collection centers	C	P		18.25.020(A); 18.56
Residential care facilities	P	C	P	18.34.020(O); 18.56
Restaurants			P	
Retail sale of goods or products manufactured on the premises, or utilized in manufacturing, repairing, or servicing activities which are permitted in the same zoning district		P	P	
Secure community transition facilities	C			18.56
Sewage treatment facilities	C	C	C	18.56
Sexually oriented businesses	P		P	18.04; 18.42.050
Solid waste handling facilities	C	C	C	18.56
State educational facilities	C		C	18.56
Storage, manufacture or sale of highly volatile or extremely hazardous substances or materials other than airport fueling facilities			C	18.56
Support facilities	P	P	P	

Use	LI	HI	ARI	Applicable Regulations
Terminal facilities	P	C	P	
The raising of crops, including trees			P	18.34.020(J)
Transit facilities	P		P	
Transportation facilities, large-scale or regional	C	C	C	18.56
Transportation terminal facilities	P	P	P	
Uses having to do with buying, selling, and personal and professional services or offices, or of a general commercial nature	P			
Warehouse distribution center less than 200,000 sq. ft. in area and generating 250 or fewer diesel truck trips per day	P		P	
Warehouse distribution center of at least 200,000 sq. ft. in area or generating more than 250 diesel truck trips per day	C		C	18.56
Wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating, distribution of goods or other handling of products and equipment	P	P	P	
Wrecking yards and junk yards		C		18.56

LEGEND

P = Permitted Use

C = Conditional Use

LI = Light Industrial

HI = Heavy Industrial

ARI = Airport Related Industrial

Note: Accessory uses are listed in each zone district chapter.

(Ord. O2014-012, Amended, 08/19/2014; Ord. O2014-007, Amended, 07/15/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015,

Section 6. Section 18.24.020 of the Tumwater Municipal Code is hereby amended to read as follows:

Permitted uses in the LI district are as follows:

- A. All uses having to do with buying, selling, and personal and professional services or offices, or of a general commercial nature;
- B. The wholesaling, manufacturing, assembling, warehousing (nondistribution), storing, repairing, fabricating, distribution of goods or other handling of products and equipment;
- C. Warehouse distribution centers less than two hundred thousand square feet gross floor area and that generate two hundred fifty or fewer diesel truck trips per day;
- D. Recreational facilities;
- E. Support facilities;
- F. Parks and recreation facilities;
- G. Transportation terminal facility;
- H. Planned unit developments not including residential uses;
- I. Post offices;
- J. Park and ride facilities;
- K. Public or private schools other than through the eighth grade;
- L. Off-site hazardous waste treatment and storage facilities:
 - 1. Off-site treatment and storage facilities must be located a minimum of two hundred fifty feet from surface water, residential zones, and public gathering places;
 - 2. Off-site treatment and storage facilities are subject to the state siting criteria adopted pursuant to the requirements of Chapter 70.105 RCW;
- M. Child day care center; child mini-day care center;
- N. Adult family homes, residential care facilities;
- O. Sexually oriented businesses as defined in TMC Chapter 18.04 subject to the provisions of TMC 18.42.050;
- P. Nurseries or greenhouses;
- Q. Museum, library, art gallery;
- R. Transit facilities;
- S. Family childcare homes;
- T. Motor pools and transit facilities;
- U. Automobile service stations;
- V. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- W. Freestanding wireless communication facilities;*
- X. Motor vehicle sales facilities, subject to the requirements set forth in TMC Chapter 18.42;

- Y. Equipment rental and sales facilities;
- Z. Motorsports facility – indoor;
- AA. Motorsports sales facility;
- BB. Auto repair facilities;
- CC. Crematories;
- DD. Electric vehicle infrastructure;
- EE. Agriculture;
- FF. Community gardens;
- GG. Farmers markets;
- HH. Marijuana retailer;
- II. Marijuana processor;
- JJ. Marijuana producer, within a fully enclosed secure indoor structure only;
- KK. Breweries, wineries, distilleries, and associated restaurants.

*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval if they apply, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Communication Antennas and Towers.

(Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O2008-016, Amended, 09/16/2008; Ord. O2006-037, Amended, 03/04/2008; Ord. O2005-011, Amended, 07/05/2005; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 7. Section 18.26.020 of the Tumwater Municipal Code is hereby amended to read as follows:

Permitted uses in the HC district are as follows:

- A. Parks, open space;
- B. All uses which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;
- C. Multifamily dwellings;
- D. Personal and professional services;
- E. General retail sales;
- F. Offices;
- G. Hotel/motel and conference facilities;
- H. Restaurants, taverns, cocktail lounges;
- I. Post office, library, museum, art gallery or cultural center;
- J. The wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating, or handling of products entirely within a building;
- K. Support facilities;
- L. Child day care center; child mini-day care center;
- M. Adult family homes, residential care facilities;
- N. Family day care homes;
- O. Educational institutions;
- P. Fish hatcheries, associated appurtenances, and related interpretive centers;

- Q. Electric vehicle infrastructure;
- R. Recreational facilities;
- S. Community gardens;
- T. Farmers markets-;
- U. Breweries, wineries, distilleries.

(Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2007-004, Amended, 09/04/2007; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Amended, 06/04/1991; Ord. 1288, Amended, 06/04/1991; Ord. 883, Added, 05/06/1984)

Section 8. Section 18.34.020 of the Tumwater Municipal Code is hereby amended to read as follows:

Permitted uses in the ARI district are as follows:

- A. Aviation and aviation-related uses, except in the district designated New Market in Figure 18.34.020;
- B. The manufacture, processing, assembly, distribution, repair, storage, servicing or sale of services, goods or products; provided, that when these activities are located in the district designated New Market in Figure 18.34.020, they must occur entirely within a building;
- C. Warehouse distribution centers less than two hundred thousand square feet gross floor area or which will generate two hundred fifty or fewer diesel truck trips per day;
- D. General retail, professional and personal services;
- E. Offices;
- F. Aviation fueling facilities, except in the district designated New Market in Figure 18.34.020;
- G. Motor pool and equipment parking;
- H. Park and ride facilities;
- I. Transit facilities;
- J. The raising of crops, including trees, except in the district designated New Market in Figure 18.34.020;
- K. Hotel/motel and conference facilities;
- L. Support facilities;
- M. Parks, recreation facilities and open spaces;
- N. Post offices;
- O. Adult family homes, residential care facilities, except within the Olympia Airport runway protection zones as illustrated on the city zoning map;
- P. Child day care center, child mini-day care center;
- Q. Public schools on parcels abutting residential zones and outside of the airport hazard area subject to the development standards and provisions of TMC Chapter 18.56;
- R. Sexually oriented businesses subject to the provisions of TMC 18.42.050;
- S. Nurseries or greenhouses, except in the district designated New Market in Figure 18.34.020;
- T. Museums, libraries, art galleries;

- U. Terminal facilities;
- V. Restaurants;
- W. Automobile service stations;
- X. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- Y. Freestanding wireless communication facilities;*
- Z. Motor vehicle sales facilities, subject to the requirements set forth in TMC Chapter 18.42;
- AA. Equipment rental and sales facilities;
- BB. Motorsports facility – indoor;
- CC. Motorsports sales facility;
- DD. Auto repair facilities;
- EE. Crematories;
- FF. Electric vehicle infrastructure;
- GG. Agriculture;
- HH. Community gardens;
- II. Farmers markets;
- JJ. Marijuana retailer;
- KK. Marijuana processor;
- LL. Marijuana producer, within a fully enclosed secure indoor structure only-;
- MM. Breweries, wineries, distilleries.

*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval if they apply, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Communication Antennas and Towers.

(Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O2008-016, Amended, 09/16/2008; Ord. O2006-037, Amended, 03/04/2008; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 9. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

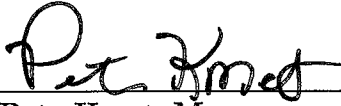
Section 10. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 11. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 12. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

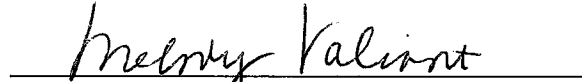
ADOPTED this 7th day of June, 2016.

CITY OF TUMWATER



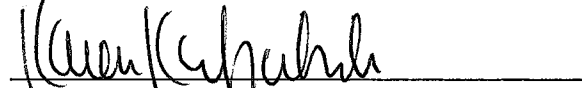
Pete Kmet, Mayor

ATTEST:



Melody Valiant, City Clerk

APPROVED AS TO FORM:



Karen Kirkpatrick, City Attorney

Published: 06-09-2016

Effective Date: 07-09-2016